



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning & Development

Diane M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2306230  
**Applicant Name:** Scott Clark for Aleutian Spray Fisheries  
**Address of Proposal:** 2155 N. Northlake Way

**SUMMARY OF PROPOSED ACTION**

Shoreline Substantial Development Permit to establish use for future construction of commercial moorage, cargo terminal and a two-story 60,297 sq. ft. accessory office building with a partially below-grade parking for 73 vehicles and 10,365 sq. ft. of storage. Additional on grade parking for 23 vehicles will be provided for a total of 96 spaces. Two existing warehouse structures totaling 8,755 sq. ft. will be removed.

The following Master Use Permit components are required:

**Shoreline Substantial Development Permit** – to allow accessory office to a cargo terminal in the Urban Maritime (UM) Shoreline Environment - (SMC 23.60.720)

**SEPA - Environmental Determination** - (SMC 25.05)

**SEPA DETERMINATION:**      ☐ Exempt   ☐ DNS   ☐ MDNS   ☐ EIS  
   ☒ DNS with conditions  
   ☐ DNS involving non-exempt grading or demolition or,  
   involving another agency with jurisdiction.

**BACKGROUND DATA**

**Site Area and Vicinity Development**

The subject site is a waterfront parcel located on N. Northlake Way between N 34<sup>th</sup> St and N 35<sup>th</sup> St. The site is zoned Industrial Buffer with a height limit of 45 feet for non-industrial uses (IB U/45') and is within an Urban Maritime (UM) shoreline environment. The site has an area of 206,000 square feet, of which about 89,000 square feet is submerged. The dry land portion of the site is developed



with four buildings—a high-bay shop (14,000 GSF), a two-story office building (10,560 GSF), a shed (1,175 GSF), a two-story storage building (7,560 GSF) for fishing nets/equipment, and parking for 24 vehicles. The submerged portion includes over water vessel moorage.

N. Northlake Way abuts the property to the west and is designated as a minor arterial with an improved paved roadway, curb, angled parking, and a pedestrian walkway. Waterway 18 abuts the property to the northeast. Lake Union abuts the property to the east. Gas Works Park Condominium and Marina abut the subject site to the southwest.

The waterfront properties along N Northlake Way are zoned IB U/45 and have a diversity of marine related uses. Upland properties along N Northlake Way are zoned C1-30. Farther northwest, properties are zoned L-2 multi-family and SF5000 single-family and are developed with multi-family apartments and single-family homes. Other development in the area includes a UW Laboratory (administrative offices) and a mixed use structure with apartments and ground floor retail.

### Proposal

The proposal will provide a new two-story 60,297 gross square foot accessory office building with 27,377 gross square feet of parking for 73 vehicles located in an enclosed garage partially below grade, beneath the accessory office building, as well as 10,365 gross square feet of storage. The application indicates 96 on-site vehicle parking spaces to be provided. Other improvements include the demolition of a 1,175 square foot shed and a two-story 7,560 square foot storage building to make way for the proposed building, as well as utility upgrades and required street improvements. Existing overwater coverage consisting of vessel moorage will remain; no new over water coverage will be constructed. Parking for a total of 96 vehicles will be provided on-site. Seventy-three (73) parking spaces will be provided in an enclosed garage partially below grade, underneath the accessory office building on the northerly portion of the site and will serve the demand on most days. During peak demand, parking will be provided in between the structures and will provide an additional 23 parking spaces. The code required parking is 73 parking spaces.

### Public Comment

The public comment period ended on September 30, 2005. One comment letter was received during the comment period. In summary, the commentary expressed concerns about view blockage; inadequate parking; on site parking location and access; and the proposed use of the new structure. The comment letter is available in the Master Use Permit file at DPD's Public Resource Center.

## **ANALYSIS - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT**

### Substantial Development Permit Required

Section 23.60.030 of the Seattle Municipal Code provides criteria for review of a shoreline substantial development permit and reads: A substantial development permit shall be issued only when the development proposed is consistent with:

- A. *The policies and procedures of Chapter 90.58 RCW;*
- B. *The regulations of this Chapter; and*
- C. *The provisions of Chapter 173-27 WAC.*

Conditions may be attached to the approval of a permit as necessary to assure consistency of the proposed development with the Seattle Shoreline Master Program and the Shoreline Management Act.

**A. THE POLICIES AND PROCEDURES OF CHAPTER 90.58.RCW**

Chapter 90.58 RCW is known as the Shoreline Management Act of 1971. It is the policy of the State to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy contemplates protecting against effects to public health, the land use and its vegetation and wild life, and the waters of the state and their aquatic life, while protecting public right to navigation and corollary incidental rights. Permitted uses in the shoreline shall be designed and conducted in a manner to minimize, insofar as possible, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

The Shoreline Management Act provides definitions and concepts, and gives primary responsibility for initiating and administering the regulatory program of the Act to local governments. The Department of Ecology is to primarily act in a supportive and review capacity, with primary emphasis on insuring compliance with the policy and provisions of the Act. As a result of this Act, the City of Seattle adopted a local Shoreline Master Program, codified in the Seattle Municipal Code at Chapter 23.60. Development on the shorelines of the state is not to be undertaken unless it is consistent with the policies and provisions of the Act, and with the local master program. The Act sets out procedures, such as public notice and appeal requirements, and penalties for violating its provisions. As the following analysis will demonstrate, the subject proposal is consistent with the procedures outlined in RCW 90.58.

**B. THE REGULATIONS OF CHAPTER 23.60**

The regulations of SMC, Section 23.60.064 require that the proposed use(s): 1) conform to all applicable development standards of both the shoreline environment and underlying zoning; 2) be permitted in the shoreline environment and the underlying zoning district and 3) satisfy the criteria of shoreline variance, conditional use, and/or special use permits as may be required.

**SMC 23.60.004 - Shoreline Policies**

The Shoreline Goals and Policies, which are part of the Seattle Comprehensive Plan's Land Use Element and the purpose and locational criteria for each shoreline environment designation contained in SMC 23.60.220, must be considered in making all discretionary decisions in the shoreline district.

The purpose of the UM environment is to preserve areas for water-dependent and water-related uses while still providing some views of the water from adjacent streets and upland residential streets. The use proposed is considered a marine retail sales and service use, which includes commercial moorage and cargo terminal uses, as defined in SMC 23.60.926. The primary use,

cargo terminal is considered water-dependent. Views of the water are preserved as discussed under the specific development standards, view corridors, of the UM environment. The IB U-45' and the UM shoreline environment permits the proposed uses.

### Development Standards

The proposal to construct an accessory office building with accessory vehicle parking and storage in the UM shoreline environment is permitted subject to the general development standards in SMC 23.60.152 and the specific development standards in the UM environment in SMC 23.60.750. The proposed action is therefore subject to the following general and specific shoreline development standards:

#### General Development Standards for all Shoreline Environments (SMC 23.60.152)

These general standards apply to all uses in the shoreline environments. They require that all shoreline activity be designed, constructed, and operated in an environmentally sound manner consistent with the Shoreline Master Program and with best management practices for the specific use or activity. All shoreline development and uses must, in part: 1) minimize and control any increase in surface water runoff so that receiving water quality and shoreline properties are not adversely affected; 2) be located, designed, constructed, and managed in a manner that minimizes adverse impact to surrounding land and water uses and is compatible with the affected area; and 3) be located, constructed, and operated so as not to be a hazard to public health and safety. The proposed construction of a boat storage and boat launch facility, as designed, is consistent with the general standards for development within the shoreline area. General development standards (SSMP 23.60.152) state that Best Management Practices shall be followed for any development in the shoreline environment. These measures are required to prevent contamination of land and water. The Stormwater, Grading and Drainage Control Code (SMC 22.800) places considerable emphasis on improving water quality. A condition is imposed on this permit pursuant to Shoreline and SEPA authority, to ensure that Best Management Practices are followed. To ensure conformance with the General Development Standards and the Shoreline Master Program, the proponent will be required to notify contractors and subcontractors of the conditions of this permit.

#### Development Standards for UM Shoreline Environments (SMC 23.60.750)

The development standards set forth in the Urban Maritime Shoreline Environment are as follows:

##### *SMC 23.60.752 Height in the UM Environment*

The proposed structures are limited to a maximum height of 35-ft. which is the proposed height of the structures.

##### *SMC 23.60.754 Lot coverage in the UM Environment*

The existing submerged land at the site is approximately 89,000 sq. ft. No lot coverage is proposed for the submerged portion of the site.

The existing dry-land portion of the site is approximately 117,000 sq. ft. The proposed lot coverage of the dry-land portion of the site is 60,297 sq. ft., which is approximately 45 percent of the site and less than the allowable lot coverage of 75 percent.

SMC 23.60.756 View corridors in the UM Environment

A view corridor or corridors of not less than fifteen percent of the width of the lot shall be provided and maintained on all waterfront lots occupied by a water-dependent or water-related use. The subject site has a width of 360.25 feet so the required view corridor is 69 feet. The proposal provides three view corridors. Two 16 foot wide view corridors on the eastern and western portions of the site and one 38 foot wide view corridor between the existing and proposed structures.

SMC 23.60.758 Regulated public access in the UM Environment

This use is considered a water-dependent use and is not required to provide public access.

SMC 23.60.760 Development between the Pierhead Line and the Construction Limit Line in the UM Environment in Lake Union and Portage Bay

The project, as designed, has no development between the Pierhead line and the Construction Limit Line.

**C. THE PROVISIONS OF CHAPTER 173-27 WAC**

Chapter 173-27 of the WAC sets forth permit requirements for development in shoreline environments and gives the authority for administering the permit system to local governments. The State acts in a review capacity. The Seattle Municipal Code Section 23.60 (Shoreline Development) and the RCW 90.58 incorporates the policies of the WAC by reference. These policies have been addressed in the foregoing analysis and have fulfilled the intent of WAC 173-27.

Summary

In conclusion, no additional adverse impacts to the lakebed or water quality are expected, and the proposed boat storage and boat launch facility, as designed, will be consistent with the provisions set forth by 90.58 RCW, 173-27 WAC, and Chapter 23.60 SMC also known as the Seattle Shoreline Master Program (SSMP).

**DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT**

The Shoreline Substantial Development Permit is **CONDITIONALLY GRANTED** subject to the conditions listed at the end of this decision.

**ANALYSIS - SEPA**

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated June 16, 2005 and annotated by the Department. The information in the checklist, supplemental information provided by the applicant, project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 23.05.665) discusses the relationship between the City's code/policies and environmental review. The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact; it shall be presumed that such regulations are adequate to achieve sufficient mitigation". The Policies also discuss in SMC 23.05.665 D1-7, that in certain circumstances it may be appropriate to deny or mitigate a project based on adverse environmental impacts. This may be specified otherwise in the policies for specific elements of the environment found in SMC 25.05.675. In consideration of these policies, a more detailed discussion of some of the potential impacts is appropriate.

#### Short-term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulate from building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by construction activities; potential soil erosion and potential disturbance to subsurface soils during grading, excavation, and general site work; increased traffic and demand for parking from construction equipment and personnel; conflict with normal pedestrian movement adjacent to the site; increased noise; increases in sedimentation and turbidity, and displacement of some aquatic and wildlife species due to in-water construction and noise; and consumption of renewable and non-renewable resources.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The Street Use Ordinance requires debris to be removed from the street right of way, and regulates obstruction of the sidewalk. Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures and life safety issues. The Noise Ordinance regulates the time and amount of construction noise that is permitted in the city. In addition, Federal and state regulations and permitting authority (Section 10 and HPA permits) are effective to control short-term impacts on water quality and habitat impacts. Compliance with these codes and/or ordinances will lessen the environmental impacts of the proposed project. While in some cases mitigation measures pursuant to SEPA policies might be necessary, in this case conditions for construction impacts pursuant to Shoreline Permit authority are effective measures designed to control the short-term environmental impacts caused by construction.

It is anticipated that construction for this project will take approximately 1 year to complete. The impacts associated with the construction are expected to be minor and of short duration. Compliance with the above applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment. However, water quality impacts warrant further discussion.

#### Water Quality (Short-Term)

The applicant's Geotechnical Engineering Study submitted as part of their environmental review discloses that during the February 12, 2004 subsurface exploration process, test borings logged groundwater seepage at a depth of 7 to 12 feet. Removal of existing structures and installation of new structures may impact surface water quality in the project area. The use of Best

Management Practices (“BMPs”) is offered as mitigation to reduce impacts as necessary. BMPs suggested by DPD and included as conditions of this project are:

- Install a sediment control fence upland from the shoreline and adjacent to the upland work areas to minimize the amount of sediment introduced to Lake Union.
- Dispose of all construction debris in the appropriate upland facility.
- Develop a spill prevention control and containment plan and ensure that an emergency spill-containment kit is kept at the site and is easily accessible in the event of a spill.
- Install a silt curtain around the work areas.
- Secure the proposed shoreline vegetation area to minimize erosion.

Additionally, to minimize construction impacts the requirements of the US Army Corps of Engineers permit applied for on August 26, 2005 shall be included on the building plan set submitted for this project.

### Long Term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased bulk and scale on the site; increased traffic in the area and increased demand for parking; increased demand for public services and utilities; increased light and glare; increased energy demand; increased ambient noise associated with increased human activity and vehicular movement; increased human activity in the near-shore shoreline environment; increased light in the near-shore aquatic environment; and continued impacts on fish habitat and migration routes.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Code which requires on site detention of stormwater with provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent toxic materials from entering the water; the City Energy Code which will require insulation for outside walls and energy efficient windows; the Seattle Building Code which provides prescriptive construction techniques and standards; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term long term impacts, although some impacts warrant further discussion and possible mitigation.

### Light and Glare

The SEPA checklist discloses that some nighttime light may emanate from the structure; however, it will be filtered by the structure’s screening elements.

The introduction of light into the near-shore aquatic environment may have impacts of unknown magnitude upon fish migrating through the site. Depending upon the location and intensity of light introduced that impact may be negative or positive in varying amounts. For this reason, the introduction of any artificial light sources should be strictly controlled. Conditioning will be imposed on all artificial lighting that may be installed in close proximity to the near-shore aquatic environment to minimize their illumination patterns on the surrounding water surfaces.

The Land Use Code requires lights to be shielded and directed away from adjacent properties, but the provision does not provide any method for shielding the lights. To sufficiently shield any new lights from adjacent property and the water, light fixtures shall be fully shielded and focused on the area needing light. Pursuant to SEPA policy SMC 25.09.675K, Light and Glare and also SMC 25.09.675N, Plants and Animals, the applicant or responsible party will be required to provide a lighting plan in the building permit plans to be approved by DPD to satisfy this condition. The lighting plan shall provide information on location and intensity with sufficient details (cut sheets) to mitigate impacts on the aquatic environment and the adjacent dry land property.

### Traffic

The SEPA checklist discloses that approximately 400 people will work in the proposed structure at the site. Additionally, the traffic and parking impact analysis indicates the proposed project would generate a net increase of 490 vehicle trips per day, 70 vehicle trips during the AM peak hour, and 67 vehicle trips during the PM peak hour. According to Heffron Transportation, Inc.—“These trips would not adversely affect any intersections in the study area. The site’s existing driveway would be improved and widened and all movements to and from the site driveway would operate at LOS B or better during the PM peak hour.” Therefore, no SEPA conditioning is necessary.

### Parking

The proposal requires 73 parking spaces per the Land Use Code and will provide 96 parking spaces, 73 within an enclosed parking garage and 23 by surface parking spaces. The applicant provided data on estimated peak parking demand in a Revised Traffic & Parking Analysis from Heffron Transportation, Inc. dated May 24, 2005. To determine the estimated parking demand, Heffron used information in the Institute of Transportation Engineers’ (ITE) *Parking Generation* (3<sup>rd</sup> Edition, 2004).

It should be noted that parking demand is usually higher than the City-required parking supply. ITE’s peak parking demand rates are primarily based on suburban sites where almost all employees commute by single-occupant vehicle (SOV). However, as presented in the *Trip Generation* section of the report, it is expected that 77% of the peak hour office trips would occur by private vehicle, while the remaining employees walk, ride a bike, or take transit to work. The ITE peak parking rates were adjusted to reflect these local characteristics for mode of travel.

The data seem to convey a reasonable estimation of usage at this facility. Based on the estimates, the subject facility would require 123 parking spaces at the peak demand occurring mid-morning between about 10:00 AM and noon. Based on this information, parking demand would exceed the on-site parking supply by 30 vehicles. As noted in the *Revised Traffic & Parking Impact Analysis, Parking Demand and Supply* section of the report, “there is ample on-street parking in the site vicinity with angle parking located along the entire length of N Northlake Way from near Latona Avenue N to Gas Works Park. This parking serves primarily the industrial uses along N Northlake Way plus some recreational uses at the park or for the Burke-Gilman Trail. The parking is not easily accessible to the residential areas of South Wallingford because it is separated from the residential areas by N Pacific Street, the Burke-



Gilman Trail, and a steep embankment. This is particularly true of the parking in the immediate vicinity of the site since there are no connecting streets to N Northlake Way between N Meridian Avenue and N 26<sup>th</sup> Street.” Therefore, it is the opinion of Heffron Transportation, Inc. that the overflow parking created by the project would not adversely affect parking conditions near the site. Therefore, no SEPA conditioning is necessary due to DPD’s concurrence.

### Public View Protection

The subject site abuts N. Northlake Way and is adjacent to Pacific Street both of which are designated scenic routes as identified in SEPA (Exhibit 1- SEPA Scenic Routes Map North Seattle).

SEPA Policy 25.05.675 P.2a states that *"it is the City's policy to protect public views of significant natural and human-made features: Mount Rainier, the Olympic and Cascade Mountains, the downtown skyline, and major bodies of water including Puget Sound, Lake Washington, Lake Union and the Ship Canal, from public places consisting of the specified viewpoints, parks, **scenic routes**, and view corridors, identified in Attachment 1 (Section 25.05.675).* The policy background (SMC 25.05.675P1c) provides examples of when public views are obstructed, “...when a proposed structure is located in close proximity to the street property line, when development occurs on lots situated at the foot of a street grid pattern, or when development along a street creates a continuous wall separating the street from the view”.

The views of Lake Union abutting the site’s shoreline will be diminished by the proposed structure, but the two 16 foot wide view corridors on the eastern and western portions of the site and one 38 foot wide central view corridor between the existing and proposed structures will be provided as required to provide for shoreline view corridors. The code required view corridors will provide adequate viewing windows towards Lake Union directly abutting the site and no further conditioning is necessary to protect those particular Lake Union views. The other views must be analyzed further.

The site has about 460 feet of frontage along N. Northlake Way, so the direction, quality and features of the view are dynamic. Because of the angles of the sight involved, and the distance of the skyline, mountains and lake from the scenic routes, the views change as one moves from place to place along the site frontage. Arguably but reasonable in this case, views looking southerly of the downtown skyline with Lake Union in the foreground and the Olympic Mountains in the background can be considered to be the most powerful and pleasing. The directions of the views are acute to the North Northlake Way’s right-of-way in a southeasterly direction. Based on GIS information, the optimal views can be seen across the central portion of the site as viewers travel southbound on North Northlake Way of North Pacific St. Again, the disadvantage is that the view corridors are askew from North Northlake Way as viewed across the site. However, the proposal plans to provide three view corridors on the site alleviates the view obstruction when looking south from the northern portions of the site. Temporary parking of vehicles in the central view corridor may obscure some of the near views but should not block the far away views of the skyline. The Bagley Avenue N right-of- way provides a view corridor of 60 feet in the southerly direction.

A more expansive view of the same features can be viewed from Pacific Street which is about 33 feet above the site elevation. City of Seattle GIS indicates the Pacific Street roadway at elevation 58 and based on project drawings, the site has a high grade elevation of about 28 feet where the central view corridor is proposed. View opportunities of the protected features are ample along Pacific Avenue and the Burke-Gilman trail which abuts the street at this location. The views along some portions are stunning with no obstruction which makes any encroachments into these view corridors more noticeable. The two rights of way, North Northlake Way and North Pacific St, with the project's central view corridor will alleviate some of the view impacts.

Based on the submitted information and personal analysis of North Northlake Way, it is likely that the downtown skyline, Lake Union and Space Needle will be partially obstructed depending upon the exact location of the view. It is likely that the views of Lake Union in the foreground will be the most impacted by the proposed structures; however, the view corridors totaling 69 feet in width will alleviate some of those impacts.

The project will be conditioned to provide a view corridor through the surface parking access area and the N Northlake Way right of way. The project drawings shall indicate this area as a view corridor and no structures, oversized vehicles, storage of materials or obstructions that would otherwise block views shall be allowed in the surface parking lot.

In summary, the proposed project will provide approximately 69 feet of view corridor which represents 15% of the site width. The remaining 85% of the site is to be developed with structures with limited opportunities for views.

It is recognized the proposal will diminish some views from North Northlake Way, but will not significantly obstruct the views under SEPA policy to warrant further conditioning.

Private views from residential properties northeast of the site and public views from Gas Works Park and the Burke-Gilman trail are not protected under SEPA policy; therefore no mitigation authority is provided to the decision maker.

#### Drainage and Water Quality

The site is currently covered by impervious surface and this condition is not proposed to change. The activities that will take place at the site have a potential for introducing petrochemicals onto the site. Because of the proximity of the site to Lake Union, these petrochemicals can be easily introduced into this water body if measures are not taken to prevent the introduction of such substances. A water collection system, as required by the future building permit for the site, should treat and direct water away from the site; thus mitigating potential water quality and drainage impacts.

The project proponent has indicated that Osmocote would be used to fertilize the vegetation that will be planted near the shoreline. However, it has been determined that Osmocote contains metals such as arsenic, cadmium, nickel, lead, zinc, and mercury, which can potentially impact water quality therefore as a condition of the project no pesticides, herbicides or chemical fertilizers will be allowed to be used in the shoreline environment.

### Other Impacts

The other impacts associated with this development are sufficiently mitigated by existing City code and regulations.

### **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).

### **SEPA AND SHORELINE CONDITIONS**

#### Prior to Issuance of a Construction Permit

The owner(s) and/or responsible party(s) shall:

1. Revise the plans to include a written description of the Best Management Practices that will be used during the proposed work to keep debris and deleterious material out of the water. The BMP shall include the following:
  - a) Install a sediment control fence around shoreline and upland work to minimize the amount of sediment introduced to Lake Union.
  - b) Dispose of all construction debris in the appropriate upland facilities.
  - c) Implement the spill prevention control and containment plan and ensure that an emergency spill-containment kit is on hand to contain any hydraulic fluid or other petroleum products should any discharge into the water occur.
  - d) Check equipment using oil, gasoline, or diesel used on site for evidence of leakage, daily, if evidence of leakage is found the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.
  - e) Install a silt curtain around the work areas.
  - f) If floating debris enters the water during the proposed work this debris shall be removed immediately and stored until it can be disposed of at an appropriate upland facility.
  - g) If heavy (sinking) debris enters the water during the proposed work, the location of the debris shall be documented. When construction is complete, a diver shall retrieve all debris that has entered the water and sunk during the proposed work.
2. Revise the plans to show the requirements of the Army Corps Permit applied for on August 26, 2004.

3. Revise the plans to show a lighting plan. To sufficiently shield any new lights from adjacent property and the water, light fixtures shall be fully shielded and focused on the area needing light. The lighting plans must be approved by DPD to satisfy this condition. The lighting plan shall provide information on location and intensity with sufficient details (cut sheets) to mitigate impacts on the aquatic environment and the adjacent dry land property.
4. Revise the landscaping plans to show a minimum 15 foot native vegetation planting area at the water's edge for the eastern and western view corridor areas.
5. Provide a drainage control plan to ensure no toxic material or thermo polluted waters enter the aquatic environment.

Prior to Start of Construction

The owner(s) and/or responsible party(s) shall:

6. Notify in writing all contractors and sub-contractors all the conditions of this permit.
7. Develop an emergency containment plan and procedures for all toxic material that will be kept on site. All necessary equipment for containment and clean-up of this toxic material should be stocked on the site. A sufficient number of personnel, both during construction and during on-going operations, shall be trained in the proper implementation of this plan.

During Construction

The following conditions to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

The owner(s) and/or responsible party(s) shall:

8. Follow BMPs to prevent debris and other deleterious material from entering the water during demolition and construction.

Life of the Project

The owner(s) and/or responsible party(s) shall:

9. Maintain a stormwater collection system to separate oil and other petrochemicals from the stormwater from the site before it is discharged off the site.

10. No herbicides, pesticides or chemical fertilizers shall be used in areas where the stormwater runoff discharges to the Lake Washington Ship Canal.
11. Extreme care shall be taken to ensure that no petroleum products, other toxic substances, including herbicides pesticides, chemical fertilizers, miscellaneous debris and/or other deleterious materials are allowed to enter or leach into the lake.
12. Maintain the lighting as approved by the lighting plan.
13. Maintain the view corridor as approved and indicated on the project plans.

Signature: (signature on file)  
Colin R. Vasquez, Senior Land Use Planner  
Department of Planning and Development

Date: May 25, 2006